

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-10113-DPW
)	
REYLANDO REYES)	

DEFENDANT'S MOTION IN LIMINE
TO EXCLUDE TESTIMONY
REGARDING KNIFE RECOVERED FROM DEFENDANT

Defendant, pursuant to Fed. R. Evid. 402, 404(b) and 403, hereby moves that the Court preclude the Government from introducing the fact that Mr. Reyes was found in possession of a knife at the time he was arrested on the instant indictment.

Testimony at the hearing on the Motion to Suppress in this case showed that Mr. Reyes was arrested by ATF Officers Rudnicki and Ball. Agent Rudnicki testified that she arrested the defendant on either April 25 or 26, 2005 at the Dorchester District Court. Agent Rudnicki further testified that at some point after his arrest, the agents recovered a knife from Mr. Reyes' waistband. Mr. Reyes is not charged with any crime pertaining to the knife. Mr. Reyes did not possess the knife on February 27, 2005, the date of his arrest on the related state court charges.

The foregoing evidence is patently inadmissible under Fed.R.Evid. 402 in that it is completely irrelevant that Mr. Reyes possessed a knife some 2 months after he is alleged to have possessed the bullet that is at issue in this case. In addition,

the evidence is inadmissible under Fed. R. Evid. 404(b) and, moreover, is more prejudicial than probative. Fed.R.Evid. 403. Defendant therefore moves that the knife be precluded from evidence and any testimony regarding the knife similarly be excluded.

REYLANDO REYES
By his attorney,

/s/ Stylianus Sinnis
Stylianus Sinnis
B.B.O. # 560148
Federal Defender Office
408 Atlantic Ave., 3rd Floor
Boston, MA 02110
Tel: 617-223-8061

Certificate of Service

I, Stylianus Sinnis, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 18, 2006.

/s/Stylianus Sinnis
Stylianus Sinnis